United Nations S/2002/1294

Security Council

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Letter dated 25 November 2002 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached letter, dated 23 November 2002, from H.E. Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Kofi A. **Annan**

02-70832 (E) 251102

Annex

Letter dated 23 November 2002 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

[Original: Arabic]

Further to my letter dated 13 November 2002, in which I informed you of the decision of the Government of the Republic of Iraq to comply with Security Council resolution 1441 (2002) despite its iniquitous contents, I wish to place on record our observations on the provisions, allegations and measures contained in the resolution that are inconsistent with international law, the Charter of the United Nations, the relevant resolutions of the Security Council and the relevant constitutive instruments of organizations of the United Nations system concerning the inspection and monitoring regime in Iraq.

1. Before reviewing the paragraphs of the resolution, it is essential to refer to the background to the resolution and the circumstances under which it was issued. The United States of America submitted the draft resolution that was adopted on 8 November 2002 as resolution 1441 (2002) after the entire international community had expressed its rejection and condemnation of the desire of the United States to launch a military attack against Iraq in order to attain its openly declared colonial objectives of occupying the country by force and imposing colonial domination over the entire Middle East region.

The United States accordingly changed its tactics and, rather than trying to attain its purposes on its own, took the Security Council as a cover for its colonialist and aggressive objectives, the more so as it had a long history of using the Council as a cover for its hostile intentions against Iraq since 1990. It therefore submitted the draft resolution under the false guise of working through the United Nations, while its real purpose of creating pretexts for aggression against Iraq were concealed under an international cover, as the following review of the paragraphs of the resolution makes clear.

2. The third preambular paragraph referred to what it called "the threat Iraq's non-compliance with Council resolutions and proliferation of weapons of mass destruction ... poses to international peace and security". This was an attempt to impose a forced interpretation of the concept of a threat to international peace and security, as referred to in Article 39 of the Charter of the United Nations, in order to justify United States aggression against Iraq.

The starting point of the paragraph is the baseless assumption of "Iraq's non-compliance with Council resolutions and proliferation of weapons of mass destruction and long-range missiles". That is the basis for a further groundless assumption, namely that Iraq is a threat to international peace and security. This assumption is baseless and unsupported by any evidence; it is Iraq that has been subjected to aggression ever since 1991, and there is not a single nation in the world that shares the biased view of the matter taken by the United States and the United Kingdom. Whatever is based on a nullity is itself a nullity.

3. The fourth preambular paragraph refers to Security Council resolution 678 (1990) which authorized Member States to use all necessary means to implement resolution 660 (1990) and subsequent resolutions in order to restore international peace and security in the area.

This reference creates the fallacious impression that the authorization to use force in resolution 678 (1990) is still current. However, that authorization ceased to be current, from the legal and practical points of view, when Iraq withdrew from Kuwait towards the end of February 1991, thereby fully implementing resolution 660 (1990). The authorization has also ceased to be legally in force because of the provisions of paragraph 33 of resolution 687 (1991), which declared that "upon official notification by Iraq to the Secretary-General and to the Security Council of its acceptance of the above provisions, a formal ceasefire is effective between Iraq and Kuwait and the Member States cooperating with Kuwait in accordance with resolution 678 (1990))". The required official notification was provided on behalf of Iraq by the Minister for Foreign Affairs in a letter dated 6 April 1991 addressed to the Secretary-General of the United Nations and to the President of the Security Council. In paragraph 34, which was the final paragraph of resolution 687 (1991), the Security Council affirmed that any measures for the future use of force against Iraq would require further authorization by the Security Council. That paragraph provided as follows: "*Decides* to remain seized of the matter and to take such further steps as may be required for the implementation of the present resolution and to secure peace and security in the region". It follows that there is no legal basis that can be invoked as authorizing the use of force against Iraq after the formal ceasefire that was declared by the Council and in the absence of any new authorization. There is therefore no legal justification for reopening discussion of resolution 678 (1990), which has been implemented and has been superseded by resolution 687 (1991).

4. The sixth preambular paragraph deplores what it refers to as Iraq's failure to provide a final and complete disclosure of all aspects of its earlier proscribed programmes.

That paragraph contradicts the facts set forth in official United Nations documents. In paragraph 79 of document S/1997/779, the International Atomic Energy Agency (IAEA) stated: "There are no indications of significant discrepancies between the technically coherent picture that has evolved of Iraq's past programme and the information contained in Iraq's FFCD-F [the definitive version of the 'Full, Final and Complete Declaration'] issued on 7 September 1996".

In its report issued as document S/1997/301 the Special Commission stated the following: "The accumulated effect of the work that has been accomplished over six years since the ceasefire went into effect, between Iraq and the Coalition, is such that not much is unknown about Iraq's retained proscribed weapons capabilities".

5. The seventh preambular paragraph alleges that Iraq has not cooperated fully and unconditionally with the weapons inspectors and ultimately ceased all such cooperation.

This paragraph totally distorts the facts concerning Iraq's cooperation: as a consequence of its cooperation with the United Nations Special Commission and IAEA those two bodies concluded their missions with respect to disarmament. The IAEA report of 27 July 1998 (S/1998/694) stated in paragraph 35:

> "... there are no indications of Iraq having retained any physical capability for the indigenous production of weapon-usable nuclear material in amounts of any practical significance, nor any indication that Iraq has acquired or produced weapon-usable nuclear material other than the nuclear material

verified by IAEA and removed from Iraq in accordance with paragraph 13 of resolution 687 (1991)."

The Special Commission noted in numerous reports that it had completed the main part of its work: its report issued as document S/1995/494 stated in paragraph 29: "in the ballistic missile and chemical weapon areas, the Commission is now confident that it has a good overall picture of the extent of Iraq's past programmes and that the essential elements of its proscribed capabilities have been disposed of."

The former Executive Chairman of the Special Commission, Ambassador Rolf Ekéus, in a statement made on 13 January 1993, affirmed that Iraq had implemented 95 per cent of the obligations imposed on it. Mr. Ekéus reaffirmed that statement in an interview with the Swedish Broadcasting Corporation on 7 September 2002.

Furthermore, the report of Ambassador Celso L. N. Amorim to the Security Council (S/1999/356) stated that the remaining disarmament issues could be addressed within a reinforced ongoing monitoring and verification system. In other words, the disarmament phase had in practical terms been concluded.

6. The eighth preambular paragraph deplored the absence, since December 1998, of inspection activities in Iraq and placed responsibility for that on Iraq, considering that it was a reason for the prolongation of the crisis in the region and the suffering of the Iraqi people ... !!!

This paragraph misrepresents the history of events. What caused the withdrawal of the inspectors from Iraq on 15 December 1998, thereby bringing the inspection activities to an end for practical purposes, was the United States of America. On the day after the inspectors' departure, the United States and the United Kingdom carried out a large-scale military attack against Iraq which, among other things, targeted the sites that had been subject to the ongoing monitoring regime and contained the sensors, cameras and their attachments used in the monitoring operations. The Security Council failed to take any action in the face of this unilateral use of aggressive force against Iraq and has so far failed to assert that country's legitimate rights. Moreover, the United States used the former United Nations Special Commission as an instrument of its hostile policy towards Iraq; it used the activities of the Special Commission to undermine Iraq's national security, to provide cover for aggression against it and to prolong the unjust blockade of its people. This led ultimately to the loss of the credibility of the Special Commission, its dissolution and the dismissal of its Executive Chairman, Richard Butler. The United Nations has yet to take any action to call to account those who used United Nations bodies for purposes incompatible with international law, the Charter of the United Nations and the relevant resolutions of the Security Council, by spying on Iraq and instigating crises, thereby flagrantly violating Article 100 of the Charter. Iraq has not been compensated for the damage caused to it by the misuse of United Nations bodies to harm it.

7. The ninth preambular paragraph accuses Iraq of terrorism and human rights abuses and of failing to cooperate in respect of missing persons and property. In this connection we wish to place on record the following observations:

(a) The Minister for Foreign Affairs of the Republic of Iraq sent a letter dated 11 June 1991 to the Secretary-General of the United Nations (S/22687) in which he fully explained Iraq's position on that matter. In fact, it was Iraq that had been subjected for over 30 years to terrorism by international and regional forces led

by the United States and the United Kingdom, which spurred them on and financed them, just as other peoples and States were subjected, and continue to be subjected, to the terrorism and hostility of those two countries. Iraq has been subjected to constant hostility on a daily basis in the form of terrorism by the United States and the United Kingdom through the imposition of the illegal no-flight zones to the north and south of Iraq. This aggression has also taken the form of the new strategy of the United States of America through its adoption of what is known as pre-emptive war which violates the purposes and principles of the United Nations and is another form of international terrorism. Moreover, the Security Council is incapable of putting an end to the Zionist terrorism against our heroic Palestinian people and the valiant freedom fighters, to say nothing of the encouragement given by a permanent member of the Security Council to the Zionist entity, enabling it to practise terrorism, assassination and destruction. We are referring to the United States of America and its policy that is detested throughout the world.

(b) As far as Kuwaiti property is concerned, this has been returned to Kuwait by Iraq, ending with the Kuwaiti archive which was handed over by the Iraqi authorities to Kuwait during the period from 19 to 29 October 2002. As for the other allegations, Iraq's treasury is being plundered continuously through what is termed compensation.

(c) Iraq has cooperated fully with the States concerned ascertaining the fate of missing Kuwaiti nationals and nationals of third countries, and it has expressed its full willingness to cooperate directly with Kuwait to resolve this humanitarian issue which involves 1,137 missing Iraqis, 582 missing Kuwaitis and members of other nationalities, and removing this issue from the tendentious politicization perpetrated by the United States administration which is detrimental to both sides. Iraq has been cooperating, and continues to cooperate, with the International Committee of the Red Cross on the grounds that it is a neutral international party, and with the States that have files of missing persons, thereby complying with the obligations specified in the Geneva Convention of 1949.

8. The tenth preambular paragraph indicates that a ceasefire under Security Council resolution 687 (1991) would be based on Iraq's acceptance of the provisions of that resolution.

This clause is premature and ill-intentioned; it should have referred to the fact that Iraq accepted resolution 687 (1991) by means of a letter from the Minister for Foreign Affairs dated 6 April 1991 and has fulfilled its obligations under the resolution. The Security Council, however, has not fulfilled its own corresponding obligations. Similarly, two permanent members of the Security Council have not fulfilled their obligations and, since 1991, have persisted, among other things, in their military aggression against Iraq in the two illegal no-flight zones.

9. The eleventh preambular paragraph states that the Council is determined to ensure Iraq's compliance with resolution 687 (1991).

This negates Iraq's compliance with its obligations under the resolution and ignores the fact that the Security Council has fulfilled none of its corresponding obligations, including the obligations in paragraph 14 to free the Middle East region from weapons of mass destruction and in paragraphs 21 and 22 concerning the lifting of the comprehensive blockade imposed on Iraq which is a collective punishment imposed on an entire people in violation of the principles of the United

Nations Charter, the Universal Declaration of Human Rights, as well as of the provisions of the Charter and of the relevant resolutions of the Security Council concerning the need to respect the sovereignty, territorial integrity and political independence of Iraq and to stop the daily aggression by the United States and the United Kingdom against Iraq in the two illegal no-flight zones. This means that the Security Council has given in, either willingly or because it was forced to do so, to the United States tactic whereby, whenever the world called for a discussion of the lifting of the blockade on Iraq and the application of paragraph 14 of Security Council resolution 687 (1991) to the Zionist entity preparatory to making the Middle East region a zone free from weapons of mass destruction, and the Security Council seemed likely to respond positively, the United States resorted to attack as a means of defence, raising issues that diverted the Security Council from its duties, and confusing public opinion, in an attempt to have the hated executioner declared guiltless and to cast the great fighter for the humanitarian cause (Iraq) as the accused party.

10. The thirteenth preambular paragraph indicates that the letter dated 16 September 2002 from the Minister for Foreign Affairs of the Republic of Iraq addressed to the Secretary-General is a necessary first step towards rectifying Iraq's continued failure to comply with relevant Security Council resolutions.

The purpose of that paragraph is to contradict the letter from the Secretary-General addressed to the Security Council (S/2002/1034) which regarded Iraq's acceptance of the return of the inspectors as a first step towards a comprehensive solution which would include the lifting of the sanctions and the implementation of other provisions of the relevant Security Council resolutions.

11. In the fourteenth preambular paragraph, the Council takes note of the letter dated 8 October 2002 from Mr. Blix and Mr. El-Baradei and expresses concern at the continued failure of the Government of Iraq to provide confirmation of the arrangements as laid out in that letter.

In fact, Iraq has concluded an agreement with UNMOVIC and IAEA regarding the practical arrangements that are prerequisites for the return of the inspectors, and this agreement was incorporated in the joint press release issued in Vienna on 1 October 2002. Both parties agreed in principle that the inspectors should return to Iraq on 19 October. The letter from Mr. Blix and Mr. El-Baradei contained things that Mr. Blix had not asked for during the meetings in Vienna because such things did not fall within his mandate but must be the subject of agreements with the Secretary-General of the United Nations and decided by the Security Council. Nevertheless, Iraq addressed these points in its two replies to the aforementioned letter, dated 8 and 10 October 2002, in which it affirmed that it was not opposed to the contents of that letter.

12. It must be noted that the preambular paragraphs focus on the imaginary threats to regional and international peace and security allegedly posed by Iraq's supposed weapons of mass destruction, whereas they make no mention whatsoever of the real dangers posed to security in the region and the rest of the world by the considerable arsenal of nuclear, chemical and biological weapons of mass destruction that is in the possession of the Zionist entity, even though the establishment in the Middle East of a zone free from weapons of mass destruction is one of the main objectives of Security Council resolution 687 (1991), as noted in paragraph 14 of that resolution. This paradox is a reflection of the odious policy of double standards

which the United States of America imposes on the Council insofar as its positions and resolutions are concerned.

13. In paragraph 1 of resolution 1441 (2002) the Council claims that Iraq has been and remains in breach of its obligations under relevant Council resolutions.

Without offering a shred of evidence, this paragraph dismisses out of hand the cooperation Iraq displayed over eight years to secure the implementation of the Council's resolutions. Yet this cooperation is a clear and established fact, as can be seen from the reports of the former Special Commission and IAEA. The Special Commission, speaking through its Chairman from 1993 onward, stated that it had accomplished 95 per cent of its work. IAEA, meanwhile, has maintained since 1992 and continues to say in its reports that it has completed its disarmament missions and that there are no issues pending in the area of disarmament. One may well ask whether these two bodies could have completed the tasks entrusted to them by Security Council resolution 687 (1991) without Iraq's full cooperation. What does this mean and, further, what does it mean that the Security Council is failing to fulfil its obligations? To Iraq and to other States it means that the Council is in a sorry state and that, because it is bowing to the will of the United States and British Governments, it is pursuing a policy based on expediency and power that is far removed from the spirit of the Charter of the United Nations. The results are the same, regardless of whether Iraq or other States fulfil their obligations: the Zionist entity is exempted from any legal measures so long as it participates, along with the United States of America, in the odious imperialist alliance that seeks to dominate the world. Moreover, it is the United States that has been and remains in violation of Security Council resolutions by using the former Special Commission as a tool for spying on Iraq and fomenting crises, and by undermining Iraq's sovereignty and territorial integrity by joining with the United Kingdom to impose illegal no-flight zones on the country. During the past 11 years the United States and the United Kingdom have continually launched large-scale military attacks on Iraq, undermining its sovereignty and independence and publicly encouraging a number of mercenary terrorists, whom they train, arm and finance to perpetrate terrorist acts on Iraq and its people, thereby contravening the Charter of the United Nations and the relevant resolutions of the Security Council, all of which call for respect for Iraq's sovereignty, political independence and territorial integrity.

14. In paragraph 2 of the resolution the Council decides "to afford Iraq ... a final opportunity to comply with its ... obligations".

This paragraph gives the erroneous impression that the Security Council has begun to take steps against Iraq. In fact the opposite is true. Indeed, when the inspectors left Iraq it was discovered that some of them had been spying on Iraq and its vital national interests while stirring up crises; the final report of the Chairman of the now defunct Special Commission was also used by the United States of America and the United Kingdom to disguise their perfidious attack of 16 December 1998. Yet despite all that, Iraq has been engaging in dialogue with the Secretary-General since February 2000 with a view to reaching a comprehensive settlement that will ensure the balanced and lawful implementation of Security Council resolutions, including the fulfilment by the Council of its own obligations, to Iraq – the lifting of the embargo and the ensuring of respect for Iraq's sovereignty – and to the region – the implementation of paragraph 14 of resolution 687 (1991) – as well as the restoration of the inspection regime aimed at ensuring that Iraq has eliminated its

weapons of mass destruction. On 16 September 2002 Iraq agreed to the inspectors' unconditional return, but it was the United States that prevented their return, exerted all kinds of pressure on the members of the Security Council and haggled with them to ensure that Security Council resolution 1441 (2002) was adopted in order to mislead the international community and public opinion and make them forget the great lie put forward by the United States Government and its vassal in order to provide pretexts and obscure the aggression being carried out in accordance with its plans.

15. In paragraph 3 of the resolution the Council calls upon Iraq to provide to UNMOVIC, IAEA and the Council a currently accurate, full and complete declaration of all aspects of its programmes to develop weapons of mass destruction as well as other chemical, biological and nuclear programmes.

This paragraph is based on the entirely unrealistic assumption that programmes for the development of weapons of mass destruction exist in Iraq. Iraq, however, has vehemently rejected this allegation, and the United States of America and the United Kingdom cannot offer a single piece of credible evidence. The Council further calls for the submission of declarations regarding civilian programmes, without being more specific. It also asks in this paragraph for a model report, even though no precedent exists; this gives Council members another pretext for questioning Iraq's declarations and affords an opportunity to spread untruthful allegations about Iraq's failure to cooperate.

16. Paragraph 4 of the resolution posits a false hypothesis, namely that Iraq might submit declarations containing false statements or omissions, or that it might fail to comply with the resolution. A second false hypothesis is then posited on the basis of the first, namely that such action would constitute a material breach of Security Council resolutions.

The arbitrary judgement made in paragraph 4 is without precedent in national and international legislation at any time in the history of mankind. In the first place, to consider that the supplying of false information (bearing in mind the thousands of pages of information that must be submitted) constitutes "a material breach" makes it perfectly clear that the intent is to find pretexts for distorting Iraq's position and justify military action against that country, and not to attain the objectives set by the Security Council. Secondly, to consider omissions from the statements submitted as "a material breach" means that Iraq has already been selected as a target, whatever justification may be cited for doing so. Viewing omissions as "a material breach" constitutes an attempt to establish new norms of international law, something the Security Council is not authorized to do under the Charter; moreover, such norms are incompatible with the principles of justice relating to legal procedures.

17. In paragraphs 5 and 6 of the resolution the Security Council unjustifiably confers on UNMOVIC and IAEA arbitrary powers that are in contradiction with their international status, which requires them to uphold the sovereignty of the countries in which they operate and to respect the laws and rules of those countries as well as the human rights of their population in accordance with the Charter of the United Nations. These measures, which are unprecedented in the history of the United Nations and of international relations and the disarmament and arms-control processes, are actually intended to obstruct the work of the inspectors, sow confrontation, generate a crisis of confidence with Iraq and reopen the door to

misuse of inspection activities for purposes that have nothing to do with the objectives set out in the Security Council resolutions.

The processes of disarmament and arms control are familiar, and there are criteria established in international conventions for attaining the goal of disarmament. They in no way provide for such activities as the holding of meetings with citizens of a country in that country without the presence of representatives of their Government, the requesting of citizens to leave their country with their families in order for such meetings to take place in another country, the compiling of the names of all scholars and researchers in the country, the entry into the country of United Nations security guards to ensure the security of the facilities provided to the inspection teams, even though Iraq, in accordance with the law, assumes responsibility for their safety and pays their salaries, or the bringing in and taking out of equipment by inspectors without notifying the State in whose territory they are operating, all at the expense of the State in which the operation is taking place, without any statement of expenditure being submitted and without telling the State, once the mission is over, what has been done with the equipment and vehicles used that are the property of that State.

18. In paragraph 8 of the resolution the Council decides that Iraq shall not take or threaten hostile acts directed against any representative or personnel of the United Nations or of any Member State taking action to uphold any Council resolution.

Here again, the resolution gives a distorted picture of Iraq's cooperation. The members of the former Special Commission and IAEA worked in Iraq for eight years. While some of them engaged in acts of espionage, provocation and trouble-making in contravention of United Nations regulations and the laws of the host country, the Iraqi authorities afforded them full protection, and they did not suffer from any prejudice or harassment. If one considers how numerous they were and how long they stayed in Iraq without ever experiencing any harm, one can conclude that Iraq's past behaviour sets an example for the world, something that cannot be said for the United States, where international civil servants and nationals of other States are subjected to all sorts of affronts, harassment and attacks, and may even be robbed or murdered.

19. In paragraph 10 the Council requests UNMOVIC and IAEA to accept recommendations from Member States with regard to sites to be inspected, persons to be interviewed, conditions of such interviews, and data to be collected.

All this is designed to undermine cooperation between Iraq and the UNMOVIC and IAEA inspectors and affords certain States a pretext for interfering with their work. It also undermines the international status of these two bodies and makes them subject to the pressures, desires, allegations and intentions of certain States, foremost of which the United States of America, whose objectives serve their own interests. At the same time these provisions do not compel the States providing information to bear the legal, political or financial consequences if the information they furnish is false and is intended to jeopardize or obstruct operations.

20. In paragraph 11 of the resolution the Council directs the two aforementioned bodies to report to it immediately what it labels "any interference" by Iraq with inspection activities, as well as any failure by Iraq to comply with its obligations, including its obligations regarding inspections.

This paragraph does not confer upon either UNMOVIC or IAEA the power requested to assess the state of Iraq's cooperation but does authorize them to report to the Council immediately any incident whatsoever, be it something minor, a doubt or a misunderstanding. This hardly helps to build trust or address concrete practical problems that may arise in the field, and thus it does not contribute to cooperation or the attainment of the goals set.

The logic of this paragraph also implies absolute good faith on the part of all members of the inspection teams and complete bad faith on the part of the Iraqi authorities, which totally contradicts what the international community knows about the behaviour of many of the inspectors of the ill-famed and now defunct Special Commission, as well as what you yourself said in your statement of 27 June 1999 concerning the actions of its members and the remarks made by the former Chairman of the dissolved Commission, Mr. Ekéus, during an interview with a Swedish radio station on 28 July 2002 (see S/2002/982). Paragraph 11 of the resolution seeks a priori to incite wrongdoing, to create unwarranted crises so that Iraq can be portrayed as failing to cooperate and to provide pretexts for attacking the country.

21. In paragraph 12 of the resolution the Council decides to convene immediately when a situation described in paragraph 11 arises, in order to secure international peace and security.

By considering "any interference by Iraq with inspection activities" to constitute a threat to international peace and security, the Council is attempting to provide a broad new interpretation of international peace and security. This runs counter to the principles set out in Article 39 of the Charter of the United Nations, particularly when two permanent members of the Security Council are engaged daily in waging outright military aggression against Iraq, violating its sovereignty and its territorial integrity, bombing its towns and villages, without the Security Council deciding that such acts constitute a threat to international peace and security. A host of serious violations of international peace and security are committed in various parts of the world, including the ongoing Zionist aggression against the Arab territories and the possession by the Zionist entity of weapons of mass destruction.

22. Lastly, the Council, before ending the resolution as it began it, recalls in paragraph 13 that it has repeatedly warned Iraq, distorting reality and threatening Iraq with war and aggression.

The above-mentioned facts show that those who pushed the Security Council to adopt resolution 1441 (2002) are aiming at objectives other than ensuring that Iraq has not produced weapons of mass destruction. In spite of this, and even though the resolution contains bad provisions, we have decided to cooperate in implementing this resolution in order to spare our people, the region and the rest of the world from the unleashing of evil and aggression advocated by the extremists in the United States Government, and to give the United Nations an opportunity to implement its resolutions in accordance with international law and the Charter. It is our hope that the Secretariat and peace-loving States, especially those that are permanent and non-permanent members of the Security Council, will urge UNMOVIC and IAEA to compel their inspectors to respect their obligations under the Charter of the United Nations and their mandate while endeavouring to realize the purposes of the United Nations; this will quickly show how inane are the tendentious accusations levelled by the United States of America against Iraq to the

effect that Iraq possess weapons of mass destruction, and it will allow the United Nations to discharge its obligations under these resolutions in respect of Iraq and the region in general by lifting the iniquitous embargo, by respecting the sovereignty, security, territorial integrity and vital national interests of Iraq, and by creating a zone free from weapons of mass destruction in the Middle East, chiefly through the elimination of the vast arsenal of nuclear, chemical and biological weapons in the hands of the Zionist entity.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs of the Republic of Iraq

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The situation in the Middle East

Measures to eliminate international terrorism

Letter dated 22 November 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

The recent escalation in the ongoing Palestinian terrorist campaign continues to claim the lives of innocent men, women and children in criminal acts of despicable cruelty.

Yesterday morning at rush hour, a Palestinian suicide bomber from Bethlehem detonated his explosives on a crowded public bus, filled with schoolchildren and morning commuters, in Jerusalem's Kiryat Menahem neighbourhood. The blast killed 11 people and injured 50 others. Of those killed, four were children on their way to school, between 8 and 16 years old, including a mother and her son and a grandmother and her grandson, as well as a national of Romania. Over half of those wounded were under the age of 18. Witnesses described a horrific scene of people being burnt alive, with the charred remains of schoolbooks and lunches strewn among the dead and wounded. The terrorist organization Hamas, which operates openly from Palestinian Authority territory and is funded by several States, including Iran, immediately claimed responsibility for the attack.

Reports from eyewitnesses suggest that the bomber boarded the bus several stops before he detonated his explosives, waiting for it to become filled with passengers. The bomb itself was packed with shrapnel, ball bearings and screws so as to increase the pain and suffering of the victims. Indeed, the timing and manner of this horrific terrorist attack and the fact that the targeted bus stops at four schools on its route suggest that the bomber deliberately intended to murder and maim not just innocent civilians, but schoolchildren specifically. Unfortunately, this is consistent with the tactics adopted by all Palestinian terrorist groups, which are intentionally designed to cause the greatest possible amount of death and injury to innocent civilians.

In view of the steadfast and criminal refusal of the Palestinian leadership to meet its moral and legal responsibilities under international law, Security Council

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resolutions and its own signed commitments to combat this continuing crime against humanity, and of the official Palestinian culture of hatred and incitement which nurtures such terrorism, Israel is compelled to take the defensive measures necessary to protect its citizens. The fact that the bomber came from Bethlehem, a town from which Israeli troops had recently withdrawn in return for a commitment that peace and order would be maintained by Palestinian security personnel, and from which, despite this withdrawal, attempts to organize and perpetrate terrorist attacks have continued, shows that Israeli defensive operations are, unfortunately, the only protection standing between the terrorists and their intended victims.

Israel repeats its call to all members of the international community to condemn unequivocally this horrific terrorist attack and the morally bankrupt and inhuman terrorist strategy adopted by the Palestinian leadership. More importantly, the international community must demand and accept nothing less than the complete implementation by the Palestinian side of a policy of zero tolerance for terrorism and incitement, as required by international law and Security Council resolutions, including resolutions 1373 (2001) and 1435 (2002), and consistent with the global campaign against terrorism and its supporters.

Until such time, the international community must hold the Palestinian leadership accountable for its horrific crimes and make it clear that terrorism will not be rewarded by political concessions of any kind, and that Israel, like any State which is the victim of terrorism, will be fully entitled, as is its right and duty, to take defensive measures in accordance with international law. Indeed, until the Palestinian leadership is compelled to abandon its embrace of terrorism, its support and celebration of the deliberate targeting of innocents and its glorification of the murderers of women and children as "martyrs", there can be no hope for peace in the region, for Israelis and Palestinians alike.

I submit this letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism since September 2000.

I would be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-seventh session of the General Assembly, under agenda items 36 and 160, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations S/2002/1296

Security Council

Distr.: General
26 November 2002

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Letter dated 25 November 2002 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached letter, dated 21 November 2002, from Mr. Joschka Fischer, Deputy Chancellor and Minister for Foreign Affairs of the Federal Republic of Germany, and Mr. Jaap G. de Hoop Scheffer, Minister for Foreign Affairs of the Kingdom of the Netherlands (see annex).

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

Letter dated 21 November 2002 from the Ministers for Foreign Affairs of Germany and the Netherlands addressed to the Secretary-General

The Federal Republic of Germany and the Kingdom of the Netherlands welcome the positive developments in Afghanistan since the successful completion of the Emergency Loya Jirga in June 2002. The continued strong support from the international community, however, is essential to strengthen the newly established political order. We would like to congratulate you and Ambassador Brahimi for the key role the United Nations has played in the past months to foster peace and stability in Afghanistan.

We would like to inform you that the Governments of the Federal Republic of Germany and the Kingdom of the Netherlands are willing to assume the lead nation status for the International Security Assistance Force (ISAF) for a period of six months, following an extension of the authorization of the International Security Assistance Force by the Security Council. Germany and the Netherlands are looking forward to a prolongation, for a period of 12 months, of Security Council resolution 1413 (2002) to be adopted by the end of November in order to fulfil the national parliamentary requirements in due course. The six-month period will commence with the actual transfer of responsibility from the current lead nation, Turkey, to the Federal Republic of Germany and the Kingdom of the Netherlands.

The Governments of the Federal Republic of Germany and the Kingdom of the Netherlands have taken this decision with the understanding that the mandate and the area of responsibility of ISAF will be maintained as stipulated by the Security Council in its resolution 1386 (2001) and reconfirmed in Security Council resolution 1413 (2002) and that the national parliamentary requirements for the continued participation of their forces in ISAF will be met. The core mission of ISAF would remain to be of assistance to the Government of Afghanistan in the maintenance of security for Kabul and its surrounding areas, as envisaged in annex 1 to the Bonn Agreement, while the responsibility for providing security and law and order throughout Afghanistan continues to reside with the Afghans themselves.

Under the leadership of the United Kingdom of Great Britain and Northern Ireland as well as Turkey, and with the valuable assistance of the contributing States, ISAF has been successful in fulfilling its tasks. The continuous strong support of the international community is crucial for maintaining the present capabilities and efficiency of ISAF. An early adoption of a new Security Council resolution extending the mandate of ISAF will enable Member States to make concrete and timely contribution plans for the force.

As was the case under the leadership of the United Kingdom and Turkey, the International Security Assistance Force will continue to have a particular mission authorized by a Security Council resolution that is distinct from Operation Enduring Freedom. Germany and the Netherlands, as the lead nations, will exercise command of the International Security Assistance Force. They will continue to integrate the troops and equipment contributed by other nations and will have the support of the United States of America and the North Atlantic Treaty Organization (NATO).

With respect to the relationship between the International Security Assistance Force and forces operating in Afghanistan under Operation Enduring Freedom, and for reasons of effectiveness, close coordination will be maintained between ISAF and the United States Central Command to deconflict International Security Assistance Force and Operation Enduring Freedom activities and to ensure that each group's activities do not interfere with the successful execution of the other's.

The joint coordinating body established with representatives from the United States Central Command, the Government of Afghanistan and the International Security Assistance Force to deal with operational issues will be maintained.

To ensure effective political-military coordination, the Committee of Contributors will continue to meet with the lead nations as the chair. Germany and the Netherlands, as lead nations, will report regularly to the Security Council on developments.

The precise date for transfer of responsibility as the lead nation from Turkey to Germany and the Netherlands is envisaged to take place not later than 15 February 2003. Following the termination of the six-month period under the combined German-Dutch lead, the identification of a successor at an early stage will enable the timely preparations for the transfer of leadership. Germany and the Netherlands would like to ask you to support our efforts in identifying a successor lead nation by inviting Member States to consider urgently the possibility of taking over as the next lead nation.

(*Signed*) Joschka **Fischer** (*Signed*) Jaap **de Hoop Scheffer**

United Nations S/2002/1297

Security Council

Distr.: General
25 November 2002

Original: English

Letter dated 22 November 2002 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

On instructions of my Government, I have the honour to transmit to you herewith a statement by the Government of Uganda, entitled "The Kampala Understanding between the Congolese Rally for Democracy-Liberation Movement (RCD-ML) and the Union of Congolese Patriots (UPC)" (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Semakula **Kiwanuka**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Uganda to the United Nations

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Annex to the letter dated 22 November 2002 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

The Kampala understanding between the Congolese Rally for Democracy-Liberation Movement (RCD-ML) and the Union of Congolese Patriots (UPC)

His Excellency the President of the Republic of Uganda convened a meeting of the RCD-ML leader Mbusa Nyamwisi and UPC leader Thomas Lubanga. In attendance were the third Deputy Prime Minister/Foreign Minister, the Honourable James Wapakabulo, the Minister of Defence, the Honourable Amama Mbabazi, the Minister of State for Regional Cooperation, Colonel Kahinda Otafiire, and Colonel Noble Mayombo and Captain Ruhinda-Maguru of the Chieftaincy of Military Intelligence of the Uganda People's Defence Force (CMI UPDF).

The Government of the Democratic Republic of the Congo was represented by Colonel Etumba as observer. After a review of the security situation in the eastern part of the Democratic Republic of the Congo, and intensive discussions on the need for peace in Ituri, in accordance with the Lusaka and Luanda agreements, and in order to put an end to the senseless killings and forestall a humanitarian crisis in Ituri, the leaders of RCD-ML and UPC agree as follows:

1. RCD-ML and UPC shall cease hostilities at all fronts in Ituri, immediately.

2. In order to promote pacification of Ituri, RCD-ML agrees to immediately cease all military and political activities in Ituri that may affect the pacification process.

3. The three parties, namely Uganda, RCD-ML and UPC, agree to finding a solution to the problem of Ituri through the Ituri Pacification Committee in accordance with the Luanda agreement.

4. RCD-ML supports pacification effort and, as a sign of goodwill, agrees to withdraw all its forces in areas around Bunia to areas beyond Komanda.

5. In any other place where the two forces of RCD-ML and UPC are in close proximity they should pull back out of firing range to avoid accidental clashes until a permanent solution is found.

6. In furthering the work of the Ituri Pacification Committee, the implementation of the cessation of hostilities between the two parties and ending the senseless killings and possible humanitarian catastrophe, Uganda has agreed to deploy UPDF troops at Komanda and Gety in the context of the Lusaka and Luanda agreements.

Signed this 15th day of November 2002

1. Mbusa Nyamwisi — RCD-ML

2. Thomas Lubanga — UPC

3. James Wapakabulo — Uganda

United Nations A/ES-10/204–S/2002/1298

General Assembly
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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-seventh year

Identical letters dated 25 November 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

On Friday, 22 November, Israel, the occupying Power, committed yet another war crime in its military campaign in the Occupied Palestinian Territory, including East Jerusalem. Israeli occupying forces killed a United Nations international civil servant inside a clearly demarcated United Nations compound in the Jenin refugee camp. The slain man was Mr. Iain Hook, a British national, who was recently hired by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to direct the Jenin refugee camp reconstruction project following the destruction wrought by the Israeli occupying forces in April of this year. Mr. Hook was killed by a shot to the back while trying to evacuate employees from the compound, while at the same time making phone contacts with the Israeli authorities to facilitate a safe evacuation.

Initially, Israeli officials denied that Israeli soldiers had shot Mr. Hook, later reverting to the same pattern of distortion and deception, falsely claiming that militants had been firing at the soldiers from inside the compound and also stating that they had fired when soldiers mistook Mr. Hook's cellular phone to be a gun. In addition, as asserted by UNRWA officials, the occupying forces also obstructed emergency help from reaching Mr. Hook, who died prior to his arrival at hospital. Moreover, also on the same day in the Jenin refugee camp, the occupying forces shot and injured an international volunteer, Ms. Caiohme Butterly, an Irish national, and killed an 11-year-old Palestinian boy, Mohammed Musleh Ibrahim Bellalo.

What happened in the Jenin refugee camp reflects a recurrent pattern of criminal actions by the soldiers of the occupying Power, including indiscriminate shooting and excessive use of force against civilians, obstruction of access of medical personnel and humanitarian assistance and wanton destruction. Moreover, it represents yet another instance in which the occupying forces have behaved in a manner showing complete disregard for the immunity of United Nations personnel and facilities by attacking a United Nations facility and harassing, and even killing, United Nations personnel. In fact, it is clear that Israeli soldiers have virtually

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instituted a culture of killing with impunity under generals who are implicated in war crimes against the Palestinian people, including General Shaul Mofaz and General Moshe Ya'alon. In this regard, we reiterate once more our call upon the international community to take serious and concrete measures both to express condemnation of such illegal Israeli policies and practices and to compel Israel to cease them immediately.

At the same time, Israel, the occupying Power, continues with its military campaign of war crimes, State terrorism and systematic human rights violations against the Palestinian people throughout other areas of the Occupied Palestinian Territory. Late last week, the Israeli occupying forces again reoccupied the city of Bethlehem. The occupying forces imposed a round-the-clock curfew on the city's inhabitants, obstructed access to the Church of the Nativity and detained dozens of Palestinians. In the city of Nablus, crimes also continue to be committed by the occupying forces, who today killed an 8-year-old Palestinian boy, Jihad Al-Faqeeh, in addition to injuring several others. Moreover, the occupying forces continue to raid other Palestinian cities, towns, villages and refugee camps, including Jenin, Qalqilya, Al-Khalil and the Kalandia refugee camp, abducting and detaining dozens of Palestinians during these raids as well as causing damage and destruction to homes and property.

In follow-up to my previous 145 letters to you regarding this continuing crisis in the Occupied Palestinian Territory, including Jerusalem, dated from 29 September 2000 to 20 November 2002 (A/55/432-S/2000/921, A/55/437-S/2000/930, A/55/450-S/2000/957, A/55/466-S/2000/971, A/55/474-S/2000/984, A/55/490-S/2000/993, A/ES-10/39-S/2000/1015, A/ES-10/40-S/2000/1025, A/ES-10/42-S/2000/1068, A/ES-10/43-S/2000/1078, A/ES-10/44-S/2000/1093, A/ES-10/45-S/2000/1104, A/ES-10/46-S/2000/1107, A/ES-10/47-S/2000/1116, A/ES-10/48-S/2000/1129, A/ES-10/49-S/2000/1154, A/ES-10/50-S/2000/1173, A/ES-10/51-S/2000/1185, A/ES-10/52-S/2000/1206, A/ES-10/53-S/2000/1247, A/ES-10/54-S/2001/7, A/ES-10/55-S/2001/33, A/ES-10/56-S/2001/50, A/ES-10/57-S/2001/101, A/ES-10/58-S/2001/131, A/ES-10/59-S/2001/156, A/ES-10/60-S/2001/175, A/ES-10/61-S/2001/189, A/ES-10/64-S/2001/209, A/ES-10/65-S/2001/226, A/ES-10/66-S/2001/239, A/ES-10/67-S/2001/255, A/ES-10/68-S/2001/284, A/ES-10/69-S/2001/295, A/ES-10/70-S/2001/304, A/ES-10/71-S/2001/314, A/ES-10/72-S/2001/332, A/ES-10/75-S/2001/352, A/ES-10/76-S/2001/372, A/ES-10/79-S/2001/418, A/ES-10/80-S/2001/432, A/ES-10/81-S/2001/447, A/ES-10/82-S/2001/463, A/ES-10/83-S/2001/471, A/ES-10/84-S/2001/479, A/ES-10/85-S/2001/486, A/ES-10/86-S/2001/496, A/ES-10/87-S/2001/504, A/ES-10/88-S/2001/508, A/ES-10/89-S/2001/544, A/ES-10/90-S/2001/586, A/ES-10/91-S/2001/605, A/ES-10/92-S/2001/629, A/ES-10/93-S/2001/657, A/ES-10/94-S/2001/669, A/ES-10/95-S/2001/686, A/ES-10/96-S/2001/697, A/ES-10/97-S/2001/708, A/ES-10/98-S/2001/717, A/ES-10/99-S/2001/742, A/ES-10/100-S/2001/754, A/ES-10/101-S/2001/783, A/ES-10/102-S/2001/785, A/ES-10/103-S/2001/798, A/ES-10/104-S/2001/812, A/ES-10/105-S/2001/814, A/ES-10/107-S/2001/821, A/ES-10/108-S/2001/826, A/ES-10/111-S/2001/880, A/ES-10/112-S/2001/918, A/ES-10/114-S/2001/928, A/ES-10/115-S/2001/932, A/ES-10/116-S/2001/941, A/ES-10/117-S/2001/971, A/ES-10/118-S/2001/989, A/ES-10/119-S/2001/991, A/ES-10/121-S/2001/1007, A/ES-10/122-S/2001/1024, A/ES-10/123-S/2001/1036, A/ES-10/124-S/2001/1084, A/ES-10/125-S/2001/1092, A/ES-10/126-S/2001/1118, A/ES-10/128-S/2001/1149, A/ES-10/129-S/2001/1166, A/ES-10/133-S/2001/1239,

A/ES-10/134-S/2001/1261, A/ES-10/136-S/2002/18, A/ES-10/137-S/2002/39, A/ES-10/138-S/2002/48, A/ES-10/139-S/2002/58, A/ES-10/140-S/2002/89, A/ES-10/141-S/2002/95, A/ES-10/142-S/2002/102, A/ES-10/143-S/2002/121, A/ES-10/144-S/2002/142, A/ES-10/145-S/2002/146, A/ES-10/146-S/2002/165, A/ES-10/147-S/2002/175, A/ES-10/148-S/2002/182, A/ES-10/149-S/2002/186, A/ES-10/150-S/2002/214, A/ES-10/151-S/2002/223, A/ES-10/152-S/2002/232, A/ES-10/154-S/2002/242, A/ES-10/155-S/2002/248, A/ES-10/156-S/2002/245, A/ES-10/157-S/2002/253, A/ES-10/158-S/2002/258, A/ES-10/159-S/2002/281, A/ES-10/160-S/2002/307, A/ES-10/161-S/2002/319, A/ES-10/162-S/2002/330, A/ES-10/163-S/2002/340, A/ES-10/164-S/2002/353, A/ES-10/165-S/2002/361, A/ES-10/166-S/2002/370, A/ES-10/167-S/2002/433, A/ES-10/168-S/2002/474, A/ES-10/169-S/2002/495, A/ES-10/173-S/2002/536, A/ES-10/174-S/2002/555, A/ES-10/175-S/2002/610, A/ES-10/176-S/2002/617, A/ES-10/177-S/2002/641, A/ES-10/178-S/2002/650, A/ES-10/179-S/2002/654, A/ES-10/180-S/2002/686, A/ES-10/181-S/2002/697, A/ES-10/182-S/2002/699, A/ES-10/183-S/2002/717, A/ES-10/184-S/2002/738, A/ES-10/185-S/2002/827, A/ES-10/190-S/2002/891, A/ES-10/192-S/2002/976, A/ES-10/193-S/2002/983, A/ES-10/194-S/2002/1052, A/ES-10/195-S/2002/1066, A/ES-10/196-S/2002/1083, A/ES-10/197-S/2002/1094, A/ES-10/198-S/2002/1104, A/ES-10/199-S/2002/1114, A/ES-10/200-S/2002/1144, A/ES-10/201-S/2002/1166, A/ES-10/202-S/2002/1244 and A/ES-10/203-S/2002/1270). I regret to inform you that, since my last letter to you, at least 10 Palestinians, including children, have been killed by Israeli occupying forces. This raises the total number of Palestinian martyrs killed since 28 September 2000 to 1,947. (The names of the martyrs that have been identified thus far are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Dr. Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 25 November 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem[a] (Wednesday, 20 November, to Monday, 25 November 2002)

Wednesday, 20 November 2002

1. Hassan Fathi Eissa
2. Iyad Ziydan
3. Hazem Ahmed Mohammed Taqatqa

Friday, 22 November 2002

1. Shahed Basim Abdellatif Abu Zaytoun (20 days old)
2. Mohammed Muselh Ibrahim Bellalo (11 years old)
3. Fahmi Abu Hussein
4. Abdullah Mansi Qdeih

Saturday, 23 November 2002

Abdullah Arafat Al-Natsheh (15 years old, died from wounds sustained on 20 November)

Sunday, 24 November 2002

Ahmed Ashtiyeh

Monday, 25 November 2002

Jihad Al-Faqeeh (8 years old)

[a] The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 is 1,947.